

महाराष्ट्र शासन

उद्योग, ऊर्जा, कामगार व खनिकर्म विभाग

शासन परिपत्रक असंका-११२३/ प्र.क्र. १२१/ काम-७अ

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई-४०००३२

दि. ०३/११/२०२३

वाचा:- श्रम व रोजगार, मंत्रालय, भारत सरकार यांचे पत्र क्र. D.O.No M-16011/34/2021-SS-III

Dated 31 August, 2023

शासन परिपत्रक :-

असंघटित कामगारांना सामाजिक सुरक्षितता पुरविण्याच्या उद्देशाने असंघटित कामगारांचा राष्ट्रीय डेटाबेस तयार करण्याचा निर्णय केंद्र शासनामार्फत घेण्यात आला आहे. त्यानुषंगाने दि. २६.८.२०२१ पासून असंघटित कामगारांची नोंदणी ई- श्रम पोर्टलवर सुरु करण्यात आली असून ई-श्रम पोर्टलवरील नोंदित असंघटित कामगारांना अपघाती विमा प्रदान करण्याचे केंद्र शासनाचे धोरण आहे. त्याअनुषंगाने नोंदणीकृत असंघटित कामगार/ दावेदारांकडून दावे आणि तक्रारी अनेक राज्यांना प्राप्त झाल्या आहेत. ई-श्रम पोर्टलवरील दिनांक २६.०८.२०२१ ते दिनांक ३१.०३.२०२२ पर्यंत नोंदित असंघटित कामगारांना अपघाती विमा प्रदान करण्याचा केंद्र शासनामार्फत निर्णय घेण्यात आला आहे.

सदर ऑनलाईन दावे निकाली काढण्यासाठी केंद्र शासनामार्फत मार्गदर्शक तत्त्वे व कार्यप्रणाली जारी करण्यात आली असून ऑनलाईन एक्स-ग्रेसिया (सानुग्रह) मॉड्यूल कार्यान्वित करण्यात येणार आहे. ०२. सदर मॉड्यूलच्या सुरळीत कामकाजासाठी केंद्र शासनामार्फत ऑनलाईन प्रशिक्षण दिनांक २८.०८.२०२३ रोजी आयोजित करण्यात आले होते. सदर प्रशिक्षणादरम्यान केंद्र शासनामार्फत मार्गदर्शक तत्त्वे व कार्यप्रणाली पुढील कार्यवाही करिता उपलब्ध करून देण्यात आली आहेत. याअंतर्गत प्रत्येक जिल्ह्यात एक जिल्हास्तरीय समिती देखील स्थापन केली जाईल. सदर जिल्हास्तरीय समितीमध्ये जिल्हाधिकारी हे अध्यक्ष असून जिल्हाधिकारी यांनी नियुक्त केलेले अतिरिक्त जिल्हा दंडाधिकारी हे सदस्य सचिव असतील तसेच कामगार अधिकारी हे समिती सदस्य असतील.

०३. सुलभ माहिती व पुढील कार्यवाहीकरिता मार्गदर्शक तत्त्वे व कार्यप्रणाली सोबत जोडली आहे. कामगार आयुक्त कार्यालयांतर्गत कार्यरत जिल्हा स्तरीय अधिकारी यांनी मार्गदर्शक तत्त्वे व कार्यप्रणालीचे सविस्तर अवलोकन करावे व तदनंतर संबंधित जिल्हाधिकारी यांना व्यक्तीशः संपर्क साधून एक्स-ग्रेसिया (सानुग्रह) मॉड्यूल बाबत सविस्तर माहिती अवगत करावी. तसेच सर्व जिल्हाधिकारी यांना या कार्यालयांतर्गत कार्यरत जिल्हा स्तरीय अधिकारी हे याबाबत व्यक्तीशः संपर्क साधून मार्गदर्शक तत्त्वे व कार्यप्रणाली बाबत सविस्तर माहिती अवगत करतील. याबाबत कामगार

आयुक्तांच्या स्तरावरून सर्व जिल्हाधिका-यांना व्यक्तीशः कळविण्यात आले आहे. त्यानुषंगाने प्रत्येक जिल्ह्यांतर्गत जिल्हाधिकारी यांचे स्वतंत्र लॉग-इन तयार करणे आवश्यक असल्याने याबाबतचा सविस्तर तपशील जिल्हाधिकारी कार्यालयाने आयुक्त, असंघटित कामगार यांच्या कार्यालयास उपलब्ध करून द्यावा व त्याप्रमाणे दावे निकाली काढण्याबाबतची कार्यवाही करण्यात यावी.

४) याबाबतील केंद्र शासनाचे पत्र व त्याबाबतची मार्गदर्शक तत्त्वे सोबत जोडण्यात येत आहेत.

सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेतांक २०२३११०३१५४७३९२७१० असा आहे. हे परिपत्रक डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने

(स्वप्निल कापडणीस)
उपसचिव, महाराष्ट्र शासन

प्रत,

- १) मा. मंत्री (कामगार) यांचे खाजगी सचिव, मंत्रालय मुंबई.
- २) प्रधान सचिव (कामगार) यांचे स्वीय सहायक, मंत्रालय मुंबई.
- ३) अ.मु.स (महसूल) यांचे स्वीय सहायक मंत्रालय मुंबई.
- ४) सर्व उपसचिव (कामगार) उद्योग, ऊर्जा, कामगार व खनिकर्म विभाग, मंत्रालय मुंबई.
- ५) सर्व जिल्हाधिकारी
- ६) विकास आयुक्त, (असंघटित कामगार) सातवा मजला, महाराष्ट्र कामगार कल्याण मंडळ, प्रशासकीय भवन, सेनापती बापट मार्ग, प्रभादेवी मुंबई.
- ७) कामगार आयुक्त, कामगार भवन, सी-२०, ई-ब्लॉक, बांद्रा कुर्ला संकुल, बांद्रे (पुर्व), मुंबई.
- ८) अप्पर कामगार आयुक्त, कोकण, पुणे, नागपूर.
- ९) उपआयुक्त कामगार, मुंबई शहर / मुंबई उपनगर पूर्व / मुंबई उपनगर पश्चिम/ ठाणे / रायगड / पुणे / नाशिक / संभाजीनगर / अमरावती.
- १०) सर्व सहाय्यक कामगार आयुक्त,
- ११) निवडनस्ती (कामगार-७अ)



Ramesh Krishnamurthi
Additional Secretary

11-09-13

मुख्य सचिवों के कार्यालय
मंत्रालय, मुंबई-३२

दिनांक : 11 SEP 2023

श्रम एवं रोजगार मंत्रालय
भारत सरकार
श्रम शक्ति भवन, रफी मार्ग,
नई दिल्ली-110119
MINISTRY OF LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA
SHRAM SHAKTI BHAWAN, RAFI MARG,
NEW DELHI-110119

Dated 31st August, 2023

D.O. No M-16011/34/2021-SS-III

Dear Sir,

The Ministry of Labour & Employment launched eShram portal on 26th August, 2021 for creation of a comprehensive "National Database of Unorganised Workers" seeded with Aadhaar.

2. At the launch of eShram portal, this Ministry envisaged to provide accidental risk cover to all the unorganised workers registered on eShram portal till 31st March, 2022 through Pradhan Mantri Suraksha Bima Yojana (PMSBY). However, the same could not be operationalised due to technical and administrative issues.

3. Since the PMSBY insurance benefits cannot be provided retrospectively, it has been decided to pay the same benefits in the form of ex-gratia amount to the eligible claimants registered on eShram. Accordingly, a guideline for settlement of such accidental claims for unorganised workers registered on eShram on or before 31st March, 2022 has been issued on 24th August, 2023 along with the claim form (copy enclosed).

A training on online module for settlement of ex-gratia claims was arranged through video Conferencing on 29th August, 2023 for Principal Secretary/Secretary (Labour) and other officials of the State/UT Government to make them aware of the mechanism. These officials can further impart training to District level officials, as per requirement.

5. The success of claim settlement mechanism depends upon on the active support of District level officials including District Magistrate who will be the competent authority to accept or reject the claims.

6. In view of above, I would request full cooperation of the State/UT Government including District Magistrate and other district level officers for timely settlement of eligible claims.

मुख्य सचिव
महाराष्ट्र शासन

With warm regards,

Encl: As above

Yours sincerely,

उ.स. (स्ति. थ. २)
२२/०८/२०२३

Shri Manoj Sonik
Chief Secretary,
Government of Maharashtra,
Main Building Mantralaya,
Mumbai-400032.

प्रधान सचिव
(कामगार)
क्र. : 3822
दि. : 12-09-2023

(Ramesh Krishnamurthi)

प. स. / कामगार

अ. स. (काम-०३)

Regarding Unorganised Labour

बाल श्रम (कि.)
२०२३

"STOP CHILD LABOUR"

Guidelines for Accident Claims for unorganised workers registered on eShram

1. Introduction

1.1 The Ministry of Labour & Employment launched eShram portal on 26th August 2021 for creation of a comprehensive "*National Database of Unorganised Workers*" seeded with Aadhaar. After registration on eShram portal, a Universal Account Number (UAN) is issued to all unorganised workers. As on 30th June 2023, over 28.98 crore unorganised workers have already registered on eShram portal.

2. Background

2.1 Ministry of Labour & Employment envisaged to provide accidental risk cover to all the unorganised workers registered on eShram portal, through Pradhan Mantri Suraksha Bima Yojana (PMSBY) for unorganised workers registered on eShram portal till 31st March 2022. As on 31st March 2022, around 27.05 crore unorganised workers had registered on eShram.

2.2 Considering that the unorganised workers were under distress during Covid-19 pandemic period, many benefits like Covid-19 ex-gratia, free ration, Aatmanirbhar Bharat Rojgar Yojana (ABRY), etc were extended to the unorganised workers by Government.

2.3 Since the PMSBY insurance benefits cannot be provided retrospectively, it is decided to pay the same benefits in the form of ex-gratia amount to the eligible claimants registered on eShram.

2.4 The unorganised workers are often vulnerable. Especially, in case of death of the workers, their families are vulnerable. The ex-gratia will be like a safety net to them as they rebuild their lives.

3. Scheme Benefits

3.1 This scheme applies to accidental deaths/disability of unorganised workers already registered on the eShram portal till 31st March 2022. The operational instructions/ definition for providing ex-gratia benefit are as follows:

3.2 Under PMSBY, accident is defined as a "*sudden, unforeseen and involuntary event caused by external, violent and visible means*". The Ministry of Labour & Employment will adhere to the same definition to settle the accidental claims initiated on eShram.

3.3 Details of benefits to be disbursed:

S. No	Death/ Disability	Sum Insured
i.	Death due to accident	Rs. 2 Lakh
ii.	a. Total and irrecoverable loss of both eyes, or b. Total and irrecoverable loss of use of both hands or both feet, or c. Total and irrecoverable loss of use of one hand & one foot, or d. Total and irrecoverable loss of sight of one eye and loss of use of one hand or one foot.	Rs. 2 Lakh
iii.	a. Total and irrecoverable loss of sight of one eye, or b. Total and irrecoverable loss of use of one hand or one foot.	Rs. 1 Lakh

4. Eligibility criteria

4.1 All unorganised workers who were registered on eShram portal on or before 31st March 2022 and are covered within the definition as mentioned above will be eligible to initiate claim.

4.2 Incidents occurred after registration on eShram and on or before 31st March 2022, will be considered for payment of ex-gratia.

4.3 An unorganised worker, on whose behalf the claim is to be initiated must be registered on the eShram portal prior to the incident and eShram UAN number needs to be produced and validated before initiating claim.

4.4 The unorganised worker registered on eShram should not have been an income tax payee or active member of EPFO/ ESIC during the period, from registration till 31st March 2022.

5. Essential documents supporting the condition:

S. No	Documents	
	Death	Disability
1.	Aadhaar Number of claimant and	Aadhaar Number of claimant and
2.	UAN Card/ Number and	UAN Card/ Number and

3.	Death certificate and	Hospital record which includes discharge summary indicating disability caused due to accident, and
4.	Medical Certificate of cause of death, and	Disability certificate issued by the authorised personnel of State/ UT Government or
5.	FIR/ Panchnama filed at the time of incident, and	Unique Disability Identity Card (permanent) issued by Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Government of India
6.	Post-mortem report supporting the cause of death due to accident	-
7.	In case claimant is minor, Guardian should produce certificate of guardianship issued by District Court while filling the claim.	-

- These documents are essential to be uploaded
- The documents will be verified against the original documents.

6. Claim process

6.1 Nomination of Authorised Officer

- District Magistrate will nominate/ authorise an officer at District level to accept and verify the claim.
- District Magistrate will fix working hours for receipt of the claims through dedicated helpdesk.

6.2 Online Ex-gratia Module

- A dedicated online module will be developed under eShram for ex-gratia process.
- The authorised officers will be provided with login ID and password to access the eShram ex-gratia module.
- The authorised officer shall ensure that the login credentials are not shared with any other person.
- The authorised officer will ensure to protect the data privacy and security of information provided by claimant.

6.3 Who will initiate the claim?

- a. In case of disability (Partial/ Complete): In case of disability due to accident, the registered beneficiary himself/ herself will initiate the claim.
- b. In case of accidental death: Only legal heir(s) of the unorganised worker registered on eShram will initiate the claim. If the legal heir(s) is/are minor, then the guardian of the minor will initiate the claim.
- c. Guardian here means a person having the care of the minor or of his property, or of both. Guardian of the minor will be required to produce certificate of guardianship issued by District Court.

6.4 Steps to initiate claim

- a. Claimant/ legal heir will go to the dedicated helpdesk at District office authorised to accept the claims under eShram and submit filled-in claim form (**Annexure-I**) along with copy of the required supporting documents.
- b. Authorised officer will verify documents with original documents and establish the authenticity.
- c. After establishing the authenticity of the documents, claim will be submitted online through a dedicated module on eShram by authorised person at district level office. All the hard copies submitted by claimant will also be scanned and uploaded in online module.
- d. Authorised officer will generate claim receipt number and provide the same to the claimant.
- e. In case, any claim has been previously submitted by the claimant under PMSBY and the same was rejected, such claims will be summarily rejected by the Authorised officer.

6.5 Approval of District Magistrate

- a. The District Magistrate will ensure 100% claims are checked and vetted by the authorised officer.
- b. The District Magistrate will record his/ her recommendation for each claim and the same shall be reflected on the online module.
- c. Before uploading any claim documents on eShram module, the authorised officer will affix a certificate (**Annexure-II**) as to the authentication and genuineness of the claim.
- d. District Magistrate will ensure that each claim submitted on the module is authentic.

6.6 Timelines

- a. The District Magistrate shall ensure that adequate publicity through Gram Panchayat and Urban Local Bodies (ULBs) be made at least two weeks prior to setting up of claim receipt helpdesk.

- b. The authorised person should verify the claims/ documents within 3 working days from date of submission of claims by unorganised workers/ legal heirs.
- c. The claims shall be submitted online within 5 working days' time from the date of receipt of claims.
- d. The claims are required to be submitted within six months from the date of issue of these guidelines.

7. Monitoring & Oversight

7.1 District Level Committee Composition: A district level committee with following composition will be constituted in each district for monitoring of the process of ex-gratia under eShram:

S. No.	Officials	Position
1.	District Magistrate (DM)	Chairman
2.	Superintendent of Police / Deputy Superintendent of Police	Committee Member
3.	Civil Surgeon/ Chief District Medical Office (CDMO)	Committee Member
4.	Labour Inspector	Committee Member
5.	Additional District Magistrate (ADM) designated by DM	Member Secretary

7.2 Terms of Reference (ToR) of the District Level Committees will be as under-

- a. Monitoring and review of activities under these guidelines on weekly basis.
- b. Checking of under process claims and submitted claims.
- c. Resolving queries and grievances.

7.3 A State Level Monitoring Committee will be constituted as per the composition given below. A State level Nodal Officer will be designated by the Chairman of the committee who will coordinate with districts and place the status of claims and grievances before the State Level Committee. Composition of the committee will be as under:

S. No.	Officials	Position
1.	Additional Chief Secretary/ Pr. Secretary (Labour)	Chairman
2.	IG level officer nominated by DGP	Committee Member
3.	Insurance Commissioner, ESIC	Committee Member

4.	Welfare Commissioner (Centre) of the State, DGLW, M/o Labour & Employment	Committee Member
5.	Labour Commissioner	Member Secretary

7.4 Terms of Reference (ToR) of the State Level Committees will be as under--

- a. Periodical review status of claims & grievances.
- b. Act as appellate body for grievances related to claims.

7.5 Dedicated grievance redressal mechanism will be established by State/ UT with due publicity of telephone number and email ID of the officer handling the grievances.

8. Miscellaneous

8.1 In case of more than one legal heir, district level committee may determine the claimant based on an affidavit produced by legal heir(s).

8.2 In case if claimant/ legal heir is a minor, then claim amount will be issued in the bank account of minor only. If minor does not have a bank account already, guardian of the minor will ensure that bank account is opened in the name of minor.

Annexure-I

eShram Ex-gratia Claim Form

To be filled by the registered unorganised worker in case of his accidental disability claim or by his legal heir(s) in case of death of unorganised worker

1. Registered Worker's Universal Account Number (UAN):

2. Name _____ :

3. Address _____ :

4. Gender :

5. Sex :

6. Details related to accident

i. Brief description of the accident:

ii. Place of accident :

iii. Date of Accident :

iv. Time of Accident :

v. Whether the worker died in the accident : ☐ Yes ☐ No

vi. If died, Date of Death :

vii. In case of disability : ☐ Complete ☐ Partial

5. Documents to be submitted to support death/ disability (as applicable):

ii. In case of Death:

▪ Death certificate: ☐

▪ Medical Certificate of cause of death: ☐

▪ FIR/ Panchnama filed at the time of incident: ☐

▪ Post-mortem report supporting the cause of death due to accident: ☐

▪ Legal Heir(s) certificate: ☐

▪ In case of more than one Legal Heir, Affidavit for apportionment of claim

amount:

☐

ii. In case of permanent disability

- Hospital record which includes discharge summary indicating disability due to accident: ☐
- Disability certificate issued by the Civil surgeon, or Unique Disability Identity Card (permanent) issued by Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment: ☐

iii. In case of claim is being filed by the guardian

- Guardianship certificate issued by District Court ☐

8. In case of death claim, details of legal heir(s):

- i. Name : _____
- ii. Sex : _____
- iii. Age (Year of Birth) : _____
- iv. Marital Status : _____
- v. Relationship with worker : _____
- vi. Present Address : _____
- vii. Aadhaar number : _____
- viii. Mobile Number : _____

Bank Account Details (Aadhaar linked bank account only)

- ix. Name of Account Holder : _____

x. Name of
Bank

xi. Bank Account
Number

(linked with Aadhaar)

xii. Bank IFSC
Code

Details of Guardian in case of a minor

xiii. Name of
Guardian

xiv. Relationship with legal heir

9. Whether the same claim has ever been filed under PMSBY: ☐ Yes ☐ No

10. Status of Claim filed under PMSBY: ☐ Approved ☐ Rejected ☐ Pending

Declaration by Claimant in case of disability

I declare that the particulars given above are true to the best of my/ our knowledge and belief. If at a later stage, it is found that any information wilfully provided by me is not true, Government of India may recover any benefits provided to me under the scheme and may impose penalty, as applicable.

Name and Signature

1. _____

Declaration by legal heir(s) and/or or Guardian if Legal heir is a Minor

I/ We declare that the particulars given above are true to the best of my/ our knowledge and belief. If at a later stage, it is found that any information wilfully provided by me is not true, Government of India may recover any benefits provided to me under the scheme and may impose penalty, if applicable.

I/ We also declare that to the best of my/ our knowledge & belief, there is no other legal heir entitled to claim.

Name and Signature of Legal Heir(s) and/or Guardian if Legal Heir is a minor

1_____

2_____

3_____



Certificate by Authorised Officer

I, hereby certify that the claim documents submitted by Shri/ Smt.
..... having UAN Number (eShram) have been checked thoroughly
and are found to be genuine and in line with requirements laid down in guidelines.

Office Seal

Signature:

Name : _____

Designation : _____

District : _____

State : _____